

July 14, 2005

Office of Regional Council
Office of Civil Rights
U.S. Environmental Protection
Agency
75 Hawthorne
San Francisco, Ca. 94105

Office for Civil Rights
Department of Health &
Human Services
50 United Nations Plaza
Room 322
San Francisco, Ca. 94102

To Whom It May Concern:

I, [REDACTED], am writing to file a complaint against the following agencies and or individuals for their disparate treatment of myself as an African-American female who is also disabled. These agencies and or individuals acts and activities has had a disparate impact upon me. The agencies are San Francisco Bay Region Water Control Board, California Environmental Protection Agency-Department of Toxic Substance Control, Contra Costa County Public Health Department, and Office of Civil Rights-Department of Health Services.

1. I initiated a petition to establish a Community Advisory Group, (CAG), under the auspices of the Department of Toxic Substance Control, (DTSC). I am a member and participant in the CAG. On 5/19/05, a meeting was held at the UC Field Station adjacent to the Zeneca/Stauffer site. I had requested that the meeting place be changed to another location because I had experienced negative reactions being on this site on 11/6/04, at a meeting conducted by Assemblywoman Leni Hancock. I expressed my concerns to Nancy Cook, (DTSC), and Dr. Rick Kreutzer, Chief, Environmental Health Investigations Branch, Department of Health Services, California Health and Human Services Agency. I also expressed my opinion that as the meeting addressed issues about the Zeneca/Stauffer site it should be conducted with the full CAG members present. No accommodations were made for me so I did not attend the meeting. I consider this to be a violation of Health and Safety Code section 25358.7(c)(5) which states in part, "based upon the survey DTSC shall provide opportunities for public involvement at key stages of the response action process. Key stages include the health risk assessment, the preliminary assessment, the site inspection, the remedial investigation, and the feasibility study. Further more, DTSC is required to notify the community if it decides that public meetings or other opportunities for public comment are not appropriate at these stages".

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2. On 4/22/05, a meeting was held in Oakland, Ca., concerning the Zeneca/Stauffer site. The meeting was co-chaired by Dr. R. Kreutzer and Dr. Wendel Brunner, Director, Public Health, Contra Costa County. Those in attendance included Diane Fowler, Nancy Cook & Barbara Cook, (DTSC staff). Also in attendance was [REDACTED] a white woman employed by one of the several white businesses located on the property formerly known as the Seaport War Housing Apartments. I had no prior knowledge of nor was I invited to the meeting. This denied me my right to participate in DTSC's site mitigation process, and my right to know about the activities of DTSC, (a public agency), and to participate in those activities if I so chose.

3. On or about 6/25/05, I received an e-mail from Dr. R. Kreutzer, which included a joint health statement and summary, prepared by Contra Costa County Health Services Department and California Department of Health Services. These agencies have consistently met with businesses and or their representatives but has excluded community members and residents. No assessment has been conducted as to the health and safety of community members and or residents.

4. From the date of my initial contact with the San Francisco Bay Region Water Control Board regarding the Zeneca/Stauffer site I was never informed of the Community's right to have a public participation process initiated. No representative ever met with community members and or residents although I repeatedly requested such a meeting. I was never told about any complaint process available to me.

5. On 6/30/05, at the initial CAG meeting DTSC staff introduced a proposal to the CAG to expand the scope of the CAG's oversight purpose to include sites not directly associated with the Zeneca/Stauffer site. (i.e., Marina Bay housing development. This site was supposedly cleaned up by DTSC prior to the housing development). My petition to establish the CAG solely addressed the Zeneca/Stauffer site. I opposed the proposal as it has the potential to lessen the attention and remediation of the Zeneca/Stauffer site.

6. I filed a complaint regarding these matters with the Office of Civil Rights, Department of Health Services, State of California, on 6/14/05. I was told verbally by Mr. E. Cardova, Acting Deputy Director, that my complaint was being rejected and returned to me as that office did not have jurisdiction. I have not, as of this date, received any written response substantiating this office's position.

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7. On 6/30/05, at the initial CAG meeting DTSC introduced a proposal to the CAG members to expand the scope of the CAG oversight responsibilities to include sites not directly associated with the Zeneca/Stauffer site, (i.e., Marina Bay - supposedly cleaned up to DTSC's specifications). My petition was solely addressed to the Zeneca/Stauffer site. I objected to the proposal as it has the potential to lessen the attention and remediation of the Zeneca/Stauffer site.

I am filing my complaint pursuant to the provisions of Title VI of the Civil Rights Act of 1964, as amended and section 504 of the Rehabilitation Act of 1973, as amended.

Sincerely,

